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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

-----x

3 UNITED STATES OF AMERICA,

4 v.

(S2) 12-cr-489 (RA)  
14-cr-075 (RA)

5 PAUL CALDER LEROUX,  
a/k/a "Bernard John Bowlins,"  
6 a/k/a "John Smith,"  
a/k/a "Johan Smit,"

7 Defendant.

Sentence

8 -----x

9 New York, N.Y.  
10 **(via telephone)**

11 June 12, 2020  
12 11:30 a.m.

13 Before:

14 HON. RONNIE ABRAMS

15 District Judge

16 APPEARANCES

17 GEOFFREY S. BERMAN

18 United States Attorney for the  
Southern District of New York

19 BY: MICHAEL D. LOCKARD, ESQ.  
Assistant United States Attorney

20 LAW OFFICE OF JAMES M. BRANDEN  
21 Attorneys for Defendant

22 BY: JEFFREY CHABROWE, ESQ.  
JAMES M. BRANDEN, ESQ.

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1 (Via telephone)

2 THE COURT: Good morning, everyone.

3 We're here for United States v. Paul Calder Leroux.

4 There are two docket numbers, docket no. 12 Crim. 489, and 14  
5 Crim. 75.

6 There is a little bit of feedback on one person's  
7 line. When you're not talking, if you can mute your line, that  
8 would be helpful.

9 All right. So, first of all, this is a reminder that  
10 this is a public proceeding. You are able to access the  
11 proceeding through the public call number. All participants  
12 are reminded that any recording or rebroadcasting of any  
13 portion of this proceeding is strictly prohibited.

14 I'm still getting a lot of feedback. Can you all hear  
15 and see me?

16 A VOICE: Yes, Judge.

17 MR. LOCKARD: For the government, yes, your Honor.

18 THE COURT: All right.

19 MR. CHABROWE: Yes, your Honor.

20 THE COURT: All right. So we're of course in the  
21 middle of the COVID-19 pandemic. I am conducting this  
22 proceeding remotely pursuant to the authority provided by  
23 Section 15002 of the CARES Act and the standing orders issued  
24 by our chief judge pursuant to the act. I am proceeding by  
25 video conference. Counsel are appearing remotely also via

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1 video conference, as is the defendant, Mr. Leroux, who is  
2 accessing this video conference from the GEO facility.

3 Mr. Leroux, I'm going to confirm again, sir, that you  
4 can see me and hear me. Can you see me and hear me?

5 THE DEFENDANT: I can see you and I can hear you, your  
6 Honor. I can see you.

7 THE COURT: If at any point during this proceeding you  
8 are unable to see or hear me or other participants, let me know  
9 right away and we can address the problem. OK?

10 THE DEFENDANT: Yes. All right, your Honor. Thank  
11 you.

12 THE COURT: Thank you. Also, you should know that if  
13 you would like to speak privately with your attorney, you are  
14 free to do so. We will move you into a remote breakout room  
15 where no one else can see you or hear you. So you have that  
16 right. Do you understand that?

17 THE DEFENDANT: I do, your Honor.

18 THE COURT: So I understand from defense counsel,  
19 Mr. Leroux, that you wish to waive your physical presence and  
20 proceed by video conference today. Is that correct?

21 THE DEFENDANT: Yes, your Honor.

22 THE COURT: And did your attorney explain to you that  
23 you have a right to be present in court when you are sentenced  
24 and that by --

25 THE DEFENDANT: Yes, your Honor.

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1 THE COURT: -- consenting to proceed by video  
2 conference you are waiving that right? Do you understand that?

3 Yes? Is that right, Mr. Leroux?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: OK. Thank you.

6 Can counsel please describe the process by which you  
7 discussed with Mr. Leroux his right to be present and his  
8 willing and voluntary waiver of that right.

9 MR. CHABROWE: Your Honor, I discussed with Mr. Leroux  
10 the option of doing the sentencing remotely or doing it live in  
11 a courtroom and, you know, when that potentially could be or so  
12 forth and so on, and how this would be potentially different.  
13 And Mr. Leroux, after a lengthy discussion, said that he wanted  
14 to go forward with this, doing it by video as we're doing it  
15 today.

16 THE COURT: All right. Thank you.

17 It looks like we lost the government momentarily, so  
18 I'm going to wait until Mr. Lockard is back on.

19 THE COURT REPORTER: Your Honor, if it's all right for  
20 me to interrupt during this pause, the speaker who just spoke  
21 for the defense, was that Mr. Branden or Mr. Chabrowe? Please  
22 remember I do not have a video feed, only voice.

23 MR. CHABROWE: I'm sorry. That was me, Mr. Chabrowe.  
24 And prior to speaking next time in going forward, I will always  
25 identify myself as such. I apologize.

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1 THE COURT: Thank you.

2 THE COURT REPORTER: Thank you.

3 THE COURT: All right. We have lost the government on  
4 the video feed. So we're just going to pause momentarily.

5 (Pause)

6 MR. LOCKARD: Your Honor, can you hear me?

7 THE COURT: Yes. We can hear you now.

8 MR. LOCKARD: OK.

9 THE COURT: All right. Thank you.

10 I find that Mr. Leroux has knowingly and voluntarily  
11 waived the right to be physically present for this sentencing.  
12 I also find that today's proceeding cannot be further delayed  
13 without serious harm to the interest of justice.

14 This matter is on for sentencing in United States v.  
15 Paul Calder Leroux. Mr. Leroux pled guilty before Judge  
16 Patterson in December 2014 to conspiracy to import and  
17 distribute methamphetamine, unlicensed exportation of goods and  
18 technology from the United States to a third country,  
19 conspiracy to commit computer hacking, and accessory after the  
20 fact.

21 In March 2016, he pled guilty before Judge Patterson  
22 to conspiracy to introduce into interstate commerce misbranded  
23 drugs, conspiracy to commit mail and wire fraud, and conspiracy  
24 to commit money laundering.

25 So those were two different indictment numbers. The

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1 first three counts were from indictment no. 12 Crim. 489, or  
2 the first four counts. And the last three counts were part of  
3 indictment no. 14 Crim. 75. Those actions were reassigned to  
4 Judge Preska after the death of Judge Patterson and then  
5 reassigned to me on May 23rd, 2019, in light of Mr. Leroux's  
6 testimony before me pursuant to a cooperation agreement in the  
7 trial of Joseph Hunter, Adam Samia, and Carl David Stillwell in  
8 case no. 13 Crim. 521, which took place in April of 2018.

9 Mr. Leroux was arrested on September 26, 2012 in  
10 Monrovia, Liberia. On September 27, 2012, he made his initial  
11 appearance before the Southern District of New York and was  
12 remanded.

13 In connection with today's proceeding I've reviewed  
14 the following submissions: the revised presentence  
15 investigation report dated May 20, 2020, which includes a  
16 recommendation and addendum; Mr. Leroux's sentencing memorandum  
17 dated June 5, 2020, with accompanying exhibits; as well as a  
18 subsequent letter that I received yesterday, June 11th; the  
19 government's sentencing memorandum dated May 28, 2020, as well  
20 as a subsequent letter that I received on June 12th.

21 I've also received various letters from the parties  
22 with respect to redactions of the public filings.

23 Have the parties received each of these submissions?

24 MR. LOCKARD: Yes, your Honor.

25 MR. BRANDEN: Yes, Judge. Jim Branden. Yes.

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1 MR. CHABROWE: Jeff Chabrowe also.

2 THE COURT: And the government?

3 MR. LOCKARD: For the government, yes, your Honor.

4 We've received those submissions.

5 THE COURT: All right. And am I missing anything? Is  
6 there anything else that was submitted to the Court that I have  
7 not mentioned?

8 MR. BRANDEN: Jim Branden. No, Judge.

9 MR. CHABROWE: Your Honor, there was a letter -- Jeff  
10 Chabrowe, excuse me -- there was a letter that we submitted  
11 last night from Mr. Leroux on ECF to the Court?

12 THE COURT: That I did not receive. So let me get  
13 that now.

14 MR. CHABROWE: OK.

15 THE COURT: Did you file that on the docket?

16 MR. CHABROWE: Yes, your Honor. And I did get a  
17 bounce for it. Let me see.

18 MR. LOCKARD: Your Honor, this is the government.  
19 It's docket no. 67 in the 12 Crim. 489 docket.

20 THE COURT: OK.

21 All right. I'm getting out the letter. Since I'm on  
22 the court call I couldn't do it at the same time, but I just  
23 accessed it and I'm reading it now.

24 All right. I have read the letter. Thank you.

25 So let's begin by discussing the presentence report

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1 which was prepared by the Probation Department].

2 Mr. Branden or Mr. Chabrowe, have you reviewed the  
3 presentence report and discussed it with your client?

4 MR. BRANDEN: Jim Branden. Yes, I have, Judge.

5 THE COURT: And do you have any objections to the  
6 presentence report?

7 MR. BRANDEN: No, we do not.

8 THE COURT: All right. Mr. Leroux, have you reviewed  
9 the presentence report and have you had enough of an  
10 opportunity to discuss it with your attorneys?

11 THE DEFENDANT: Yes, I have, your Honor. I have  
12 reviewed the report extensively and I have discussed it with my  
13 attorneys.

14 THE COURT: Does the government have any objection to  
15 the presentence report?

16 MR. LOCKARD: This is the government. No, your Honor,  
17 we have no objections.

18 THE COURT: The presentence report will be made a part  
19 of the record in this matter and placed under seal. I adopt  
20 the factual findings in the report. If an appeal is taken,  
21 counsel on appeal may have access to the sealed report without  
22 further application to the Court.

23 Mr. Leroux, when you pled guilty both in December 2014  
24 and in March 2016, you discussed the federal sentencing  
25 guidelines with Judge Patterson. The guidelines are a set of



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1 rules published by the United States Sentencing Commission in  
2 order to guide judges when they impose sentence. Although at  
3 one time they were mandatory, meaning the judges were required  
4 to follow them, they are no longer binding on judges, but  
5 judges must consider them in determining an appropriate  
6 sentence and must thus ensure that they have properly computed  
7 the guidelines calculation.

8 I understand that the parties agree with the  
9 guidelines calculated in the presentence report pursuant to  
10 which Mr. Leroux is facing a guidelines range of life in  
11 prison. Is that correct?

12 MR. BRANDEN: Yes, Judge. Jim Branden. Yes.

13 MR. LOCKARD: For the government, no objections to the  
14 PSR calculations. But, your Honor, just one minor procedural  
15 clarification? Mr. Leroux pleaded guilty to the charges in  
16 both informations in the same proceeding held in February of  
17 2014 before Judge Patterson.

18 THE COURT: Oh. Thank you very much.

19 All right. So based on the parties' agreement and my  
20 independent evaluation of the sentencing guidelines, I accept  
21 the guidelines calculation in the presentence report. I find  
22 that Mr. Leroux's offense level is 43, his criminal history  
23 category is I, and his recommended guidelines sentence is life.  
24 As I said a moment ago, that range is only advisory. Courts  
25 may impose a sentence outside of that range based on one of two

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1 legal concepts: a departure or a variance. A departure allows  
2 for a sentence outside of the advisory range based on some  
3 provision in the guidelines. A variance, by contrast, is based  
4 on factors set forth in a provision of the federal law. It's  
5 18 United States Code § 3553(a).

6 I'd like to hear now from the parties. Would the  
7 government like to be heard with respect to the sentencing?

8 MR. LOCKARD: Yes, your Honor. And as noted in our  
9 sentencing submissions, at this time the government formally  
10 moves that the defendant be sentenced pursuant to Title 18  
11 United States Code § 3553(b) and Section 5K1.1 of the United  
12 States Sentencing Guidelines.

13 THE COURT: That motion is granted. Is there anything  
14 else you'd like to say today?

15 MR. LOCKARD: Your Honor has, as the Court noted,  
16 voluminous written materials that have been submitted in  
17 connection with the sentencing, and has also had an opportunity  
18 to directly observe defendant during his extensive testimony,  
19 during the Hunter trial, and I think, in light of that volume,  
20 perhaps the most effective way for the government to proceed  
21 would be to perhaps answer any questions or address any issues  
22 that the Court would like us to address.

23 THE COURT: One question I'd like you to address: In  
24 Mr. Leroux's letter, he says that with respect to a charge in  
25 the Philippines, he has agreed that he will not contest

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1 extradition from the U.S., will not contest a weapons  
2 trafficking charge, does not contest superseding charges for  
3 murder on his arrival in the Philippines, and will pay  
4 restitution in the Philippines to victims' families.

5 He says that he will face a mandatory minimum of eight  
6 years in prison in the Philippines and a maximum of 12 years in  
7 prison.

8 Is that accurate? One of the things that I have to do  
9 here is, I have to balance a whole host of factors, and I'm  
10 going to talk about them a little bit later. But I have to  
11 think about the danger that Mr. Leroux can present in the  
12 future to society at large. And if he is indeed going to be  
13 incarcerated in the Philippines, that may weigh into my  
14 decision.

15 MR. LOCKARD: The short answer, your Honor, is, I do  
16 not know. I know over the course of this matter, the  
17 government has had discussions over time with Mr. Leroux's  
18 prior U.S. criminal defense counsel about efforts to resolve  
19 potential charges in the Philippines by way of a plea,  
20 including potentially a plea in absentia. But I have been  
21 advised that that's never been finalized and don't have any  
22 independent knowledge about the status of that process.

23 THE COURT: What's your understanding as to where he  
24 will be extradited upon his release from incarceration in the  
25 United States?

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1 MR. LOCKARD: So I say this not speaking on behalf of  
2 ICE, but it's my understanding that Mr. Leroux, if he were to  
3 be deported or removed, would be removed either to South Africa  
4 or Australia, where he is a passport holder. I believe there  
5 is an extradition treaty between the United States and the  
6 Philippines, but I don't believe there is an extradition treaty  
7 between South Africa and the Philippines, and I believe there  
8 is an extradition treaty between Australia and the  
9 Philippines -- all of which is to say, if the Philippines were  
10 to submit an extradition request to the United States and he  
11 did not contest it or consented to extradition, I imagine he  
12 would be extradited to the Philippines.

13 THE COURT: All right. Thank you.

14 And can you confirm the open case against him there?

15 MR. LOCKARD: I am aware from discussions between U.S.  
16 law enforcement and Philippines law enforcement that Mr. Leroux  
17 has been the subject of ongoing Philippines law enforcement  
18 interests. I don't have any information about charges filed  
19 against him and haven't received this information from the  
20 Philippines Department of Justice or any prosecutor's office.

21 MR. CHABROWE: Judge, if I may, it's our understanding  
22 that the Philippines renewed their extradition request for  
23 Mr. Leroux as recently as January just now, based upon their  
24 following the sentencing coming soon in this case, and that  
25 that request for extradition was just renewed in January of

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1 2020.

2 THE COURT: All right. Thank you.

3 Mr. Lockard, would any victims like to be heard today?

4 MR. LOCKARD: Your Honor, not that I'm aware of.

5 Notifications were made through law enforcement channels to law  
6 enforcement in the United Kingdom and in the Philippines, and  
7 we were staying in contact with any victims if they wished to  
8 be heard, and I have not been advised that any victims have so  
9 indicated.

10 THE COURT: All right. Thank you.

11 Would defense counsel like to be heard?

12 MR. CHABROWE: Yes, your Honor. I think -- I would  
13 like to be heard briefly. I was going to go first. I'm sorry.  
14 Jeff Chabrowe for Mr. Leroux. I was going to speak first. I  
15 believed that Mr. Branden would be speaking after me. I am  
16 going to be discussing the leaks briefly. I know that this is  
17 something that we've submitted voluminous material to the Court  
18 and we've discussed it quite a bit.

19 A couple of points that were not made in our  
20 submissions, your Honor. There are a number of podcasts  
21 actually that exist online, most recently one from 2019, with  
22 Elaine Shannon, who is the author of the book *Hunting Leroux*,  
23 Tommy Cindric, one of the former DEA agents, and Lou Milione,  
24 who was the agent and the head of the 960 unit, discussing the  
25 book, also discussing a movie that will be forthcoming about

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1 the book. In this interview, your Honor, Lou Milione says  
2 that, talking to Elaine Shannon, they gave her information  
3 about the investigation in Mr. Leroux that they wouldn't have  
4 given to anyone else because they trusted her. He says  
5 specifically, quote/unquote, we have the clearance to be able  
6 to speak to her and it wouldn't have been with anybody else,  
7 although it's our understanding that Ms. Shannon did certainly  
8 share a lot of this information as well.

9 Our understanding, your Honor, is that there actually  
10 is a movie being made about -- that's already in  
11 preproduction -- about *Hunting Leroux*, being made, produced by  
12 Michael Mann. And Lou Milione from the DEA, who used to be an  
13 actor prior to being an DEA agent, is actually going to be  
14 playing himself in the movie.

15 Another issue, your Honor, is that a lot of the  
16 discovery from this case was actually uploaded to YouTube,  
17 including details about Mr. Leroux's family, descriptions of  
18 the family. There's a clip of him sitting at a computer -- it  
19 says "DEA surveillance" on it -- to sort of use as somewhat of,  
20 I guess, a teaser for the book.

21 A number of description from the book, your Honor --  
22 and these are all thing that could not have been obtained by  
23 Ms. Shannon unless she had been told this information, that  
24 she'd gotten any sort of confidential information. There's a  
25 description of, specifically in the book, page 99, Mr. Leroux's

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1 children, different women that he's been with, who are the  
2 mothers of each children. Page 289, there's a confidential  
3 source recording in a hotel shortly before Mr. Leroux is  
4 arrested, a description of a child of his as an infant who they  
5 described as a beady-eyed baby. There is a description from  
6 when Mr. Leroux's hotel room was bugged, a recording of he and  
7 his wife having sex and things that are said during that time.  
8 In the book there is a description of DEA Agent Tommy Cindric's  
9 personal discussion with Mr. Leroux. This is just the two of  
10 them talking about how many children he had and who were the  
11 mothers of those children. And then another conversation that  
12 takes place about Mr. Leroux's abuse that he suffered from his  
13 father, how that affected him.

14 These are all things that are very, very personal  
15 about his family or just about him, about his children, about  
16 his wives, that were all released by the DEA to Elaine Shannon  
17 for writing the book. There is a recorded conversation between  
18 a confidential informant and an undercover about the sale of  
19 methamphetamine.

20 And then I think most disturbing, your Honor, there is  
21 a very, very detailed descriptive discussion in the book, on  
22 page 365 of what I'm looking at, of one of the first proffers  
23 with Mr. Leroux in Brooklyn, describes exactly who is at the  
24 proffer, and Mr. Lockard. And actually I think it's the first  
25 proffer. There are supervisors present. Everybody is present.

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1 It describes what a proffer is. And towards -- I believe this  
2 is where there is the first discussion of the signing of a  
3 cooperation agreement.

4 And I'm reading from the notes actually right now of  
5 Ms. Shannon's book. It states, "Leroux's admissions for his  
6 plea bargain are contained in the proposed cooperation  
7 agreement for Paul Leroux, drafted by the attorneys in the  
8 office of the U.S. Attorney for the Southern District of New  
9 York," and then it names a number of U.S. Attorneys who signed  
10 off on this.

11 And then this is what is most troubling:  
12 quote/unquote -- this was not made part of the public court  
13 record but was obtained by the author. This is on page 527 of  
14 the paperback. It's very clear, your Honor, that this is then  
15 the proposed plea agreement. And we had submitted something to  
16 the Court yesterday in camera to look at this. It's very clear  
17 that the proposed plea agreement, which contains 3500 material,  
18 as well as, I think, notes from proffers, was given to  
19 Ms. Shannon. We would assume it was done so by the DEA. This  
20 was signed on February 4th of 2013. Once again, she clearly  
21 states it was not made part of the public record but was  
22 obtained by the author.

23 There is a description in the book, page 379, of, I  
24 believe it's Tommy Cindric, questioning Mr. Leroux. "You're  
25 not being totally honest. You have to tell us about the



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1 murders, tell us about the murders." Not only is this not even  
2 in a proffer; it's actually in a hallway outside, nothing  
3 that -- this goes way beyond anything that would have been in a  
4 proffer or in 3500 material.

5 There are descriptions in the book about Mr. Leroux  
6 setting up an FTP server for Iranian officials to access  
7 weapons plans that he uploaded without directly implicating  
8 themselves of a designed explosive, which is called PETN, which  
9 Ms. Shannon repeatedly calls "the coffee sweetener bomb."

10 These are things, your Honor, that were never in trial  
11 testimony, not something Ms. Shannon could have known unless it  
12 had been leaked to her.

13 Yesterday, in a submission in the afternoon, the  
14 government finally admitted, after years really, that the DEA  
15 agents here leaked info from the case, referring to the leaks  
16 as regrettable and unfortunate. However, what struck me, your  
17 Honor, one of the most revealing things of this submission is a  
18 footnote. On page 4 -- this is from yesterday afternoon --  
19 where the government states, "The government did not discuss  
20 the case with the book's author and did not review the  
21 information provided by the DEA."

22 So this is sort of buried in the government's  
23 submission yesterday, where they're saying that they did not  
24 know, they don't know what the DEA gave to the author. It was  
25 not reviewed by them. And I think it's very clear that they

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1 had no idea what was provided or how much.

2 The government's submission yesterday when they're  
3 finally acknowledging the leaks is at times contradictory in  
4 and of itself. And they're repeatedly saying that there were  
5 leaks but all of the information, a lot of the information came  
6 based upon public interest in the case.

7 The government also seems to be justifying the leaks  
8 and saying that there was a great, deep degree of public  
9 interest. They specifically say that Agents Cindric and  
10 Milione spoke to Ms. Shannon with the express approval of the  
11 DEA, and this was done based upon public interest and the  
12 significance of the case -- seemingly saying that if the DEA  
13 makes a determination that a case is of significant public  
14 interest and significance, they can then make their own  
15 determination, regardless, I guess, of the U.S. Attorney's  
16 Office involved at that point, to speak to the press or anyone  
17 else based upon that.

18 I think, your Honor, this doesn't make sense. I think  
19 that any case with that amount of public interest, where the  
20 government or certainly the DEA should be acting with more  
21 discretion, not less, perhaps there should be some situations,  
22 especially when you're talking about things like 3500 material  
23 and proffer notes, it's up to the government to make any sort  
24 of disclosures to the press. Leaving that in the hands of DEA  
25 is not at all appropriate, especially when we're talking about

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1 cooperation and confidential information. Not only is  
2 justifying this as public interest incorrect and putting  
3 Mr. Leroux at risk, but I think that it also creates a very  
4 dangerous precedent in that it's going to chill or deter people  
5 from cooperating in the future, particularly in high-interest  
6 cases, where you're saying that, if there's a lot of interest  
7 in the case, it's OK for the DEA to be leaking things to the  
8 press. Not only could this cause, I think, a chill on  
9 cooperation in the future, but it also creates a situation  
10 where it's encouraging DEA agents to not only leak to the press  
11 in cases they determine to be those of public interest, but  
12 even more dangerously, perhaps even looking for cases that are  
13 deemed to be of great public interest so they can then do what  
14 Mr. Cindric and Mr. Milione did and sell their story to authors  
15 or to movie producers. And that's very clearly what happened  
16 here.

17 The government states in their letter yesterday that  
18 the DEA expressly approved them speaking to Ms. Shannon, but I  
19 would imagine that the DEA did not expressly approve Agents  
20 Cindric and Milione to then quit and sell their story. And I'm  
21 sure that they received money for this. As I stated, there is  
22 now being a movie made with Mr. Milione actually playing  
23 himself in the movie.

24 The government also repeatedly states in their  
25 submission yesterday that the amount of information that is out

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1 there as to Mr. Leroux, including that about his family, is  
2 because of the public interest in this case. They have it  
3 backwards. The leaks are what started the public interest in  
4 this case. The leaks in this case go back until December 2013.  
5 And that's what actually started, I think, really, started the  
6 amount of interest in this case, from the leaks. Essentially  
7 it was marketing for a book that was going to be coming out.  
8 In doing so, this was violating multiple protective orders that  
9 have been issued by this court. And I think there's a  
10 reference actually to an article, the government makes  
11 reference to an article called -- that referred to Mr. Leroux  
12 as "the criminal mastermind you never heard of." And I think  
13 that that's absolutely true, because no one had ever heard of  
14 Mr. Leroux. He wasn't, you know, someone like Pablo Escobar or  
15 something like that, that -- at the time of his arrest, no one  
16 knew who he was, and it was the leaks that led to him being  
17 known. And that's what led to the public interest in him, as  
18 opposed to public interest causing the information to be leaked  
19 by the government.

20 There was a number of evidence, different examples I  
21 gave, where it's very clear that there are leaks made to  
22 Ms. Shannon. Our sentencing memorandum repeatedly talks about  
23 that this is not what was in trial testimony, as the government  
24 stated, although it seems to be now retreating from that  
25 position. Not once has the government been able to point out a

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1 single example of any of the leaks that we've said where they  
2 said no, this is the source of that. Instead, they just sort  
3 of vaguely refer to, oh, well, there's a lot of public  
4 interest, there's a lot of press attention. Every single  
5 example that we gave is something that Ms. Shannon could not  
6 have known about unless she got it -- they've never been able  
7 to point out another source of this information.

8 I believe --

9 THE COURT: Let me just ask you a question,  
10 Mr. Chabrowe. Even if everything you say is true, we're here  
11 for a sentencing of a very violent criminal. Other than the  
12 physical harm that these alleged leaks may have caused  
13 Mr. Leroux or his -- or potential harm it may have caused  
14 Mr. Leroux or his family, how should I factor this in at  
15 sentencing today, in your view?

16 MR. CHABROWE: Well, obviously, your Honor, you know,  
17 5K1 states that the risk that Mr. Leroux faces or that his  
18 family faces are very much factors that your Honor should  
19 consider when fashioning a downward departure.

20 THE COURT: And I was going to factor those in anyway  
21 of course.

22 MR. CHABROWE: OK. And I apologize for being -- I was  
23 just getting to that point. But I think that the risk that he  
24 and his family face are quite substantial. Melanie, who is the  
25 mother of one of Mr. Leroux's children, was abducted and held

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1 for ransom in the Philippines. There were other home invasions  
2 in the Philippines. There were police reports for all of these  
3 things were submitted to the Court in our sentencing  
4 memorandum.

5 I think that there is also a lot of information that  
6 Mr. Leroux gave that's in the book that was not disclosed  
7 otherwise, that was not at trial, where Mr. Leroux is talking  
8 about corruption in the Philippines particularly. And he is,  
9 as your Honor mentioned earlier in the sentencing, Mr. Leroux  
10 is now going to be going to the Philippines. This is now when  
11 he's going to be most at risk, going where I think that they  
12 certainly have an ax to grind against them. He's going to be  
13 going there and held. He's going to be charged with murder and  
14 weapons trafficking. And he's going to be very much at risk  
15 not just being in the Philippines, your Honor, but being in a  
16 jail system where it's much easier for them to get at him and  
17 in a jail system that, you know, this is not like being here,  
18 at GEO, certainly not anywhere here, where people are much more  
19 at risk from corrupt prison officials or organized crime.

20 I think that one example, your Honor, and when we're  
21 talking about what could happen to Mr. Leroux once he's there,  
22 beyond the risk to him and his family, that his co-defendant on  
23 the case, one of his co-defendants on the drug case that he had  
24 in the Philippines, Brian Hill, was sentenced to life already  
25 in the Philippines. There is an arresting officer in that

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1 case, Leonardo Swann, who was also the arresting officer in  
2 another case of a South Korean businessman named Jee Ick-joo.  
3 And this is something that happened recently in the Philippines  
4 where this man was arrested, there were repeated, repeated  
5 efforts to extort him for money, that he was tortured while in  
6 custody. And while I think his wife was actually present,  
7 there were efforts made where there was some money turned over,  
8 and while Philippine officials were trying to extort him for  
9 more money and torturing him, they accidentally killed him.  
10 This is a case that has gotten some press attention, as stated.  
11 The arresting officer on the case for Mr. Hill, who is  
12 Mr. Leroux's co-defendant, is one of the same officers who was  
13 involved in this. And this is unfortunately what Mr. Leroux is  
14 going to be dealing with going forward.

15 So I think that, I think your Honor could certainly  
16 integrate this by considering alternatively deterrence of  
17 future conduct by law enforcement, encourage responsibility and  
18 accountability going forward.

19 But I think that the risks that Mr. Leroux and his  
20 family are facing are not only significant, but are perhaps,  
21 just now the real risks to Mr. Leroux are just now starting  
22 from the fact that he is certainly going to be extradited to  
23 the Philippines. And I think that -- I know that there are  
24 many, I'm sure that there are many people in the Philippines  
25 base upon what we have submitted -- I know there is some other

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1 stuff Mr. Branden has talked about -- who, Mr. Leroux has a lot  
2 of enemies there. And I think that the release of the  
3 information by Ms. Shannon has certainly exacerbated that  
4 situation.

5 THE COURT: All right. Thank you.

6 Mr. Branden, is there anything you would like to add?

7 MR. BRANDEN: Yes, Judge. Thank you.

8 Like the government noted, we have written a great  
9 deal about Mr. Leroux in these sentencing submission. For a  
10 cooperator I don't normally write at such length, but this is  
11 an outside case on so many different levels. The number of  
12 crimes that are detailed in the presentence report require  
13 attention. But on the other hand, so does the extraordinary  
14 cooperation that this defendant provided. I think that in the  
15 government's letter from yesterday, they admitted that there is  
16 really no precedence for this amount of cooperation. Part of  
17 that of course is because of the degree of the criminality.  
18 But he has probably proffered more than anybody else in the  
19 Southern District ever. He gives assistance to the  
20 government --

21 THE COURT: I don't know where that figure came from,  
22 by the way.

23 MR. BRANDEN: I don't know. Somebody told me that and  
24 I threw it down in the submissions expecting maybe there would  
25 a challenge, and there wasn't. So I'm not asking the Court to



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1 take it as the gospel truth. But I would have expected that  
2 the government would say, no, that's not true, if they believed  
3 it to be untrue. At the very least, the cooperation and  
4 proffering was extensive.

5 So I'm not going to go through all of the 5K1 factors.  
6 But certainly the cooperation has been extraordinary. As a  
7 result of his extensive cooperation, he's also spent eight  
8 years in detention. Generally serving time in detention is far  
9 worse than serving time in BOP custody. And I think that's  
10 true here. But in addition he's also been the subject of an  
11 assault. He was the subject of extortionate press. He's had  
12 serious health issues while he's been in. And I suggest that  
13 this eight years was worth more than just eight years.

14 And as Mr. Chabrowe noted, I think that there will be  
15 severe collateral consequences for him when he's returned to  
16 the Philippines, not just legally, perhaps extrajudicially, but  
17 also the security agencies and the mercenaries out there that  
18 are looking to target him anew pose a very, very serious threat  
19 to him.

20 And I just want to note finally that the government's  
21 letter from yesterday answers your Honor's question about  
22 whether this particular defendant is a threat to anybody at the  
23 moment. And while the government couldn't rule that out, under  
24 no circumstances, I think that it's a fair assessment of what  
25 they're saying to you is, no, he is not a threat to anyone at

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1 this present time.

2 So without getting, you know, reviewing everything  
3 I've already said in writing, he's served nearly eight years in  
4 prison already, eight years in detention already. Especially  
5 given what he's facing in the Philippines, in which he will  
6 almost surely face another decade of imprisonment, he should be  
7 sentenced to a term of time served.

8 THE COURT: Thank you.

9 Mr. Lockard, was your position in that letter that he  
10 doesn't pose a danger to the community, or just that there are  
11 no particular individuals at this point in time that you know  
12 he presents a danger to?

13 MR. LOCKARD: Your Honor, it was the latter. We're  
14 not aware that he poses a danger to any particular person or  
15 persons upon his release. And I think we walk the Court  
16 through sort of our analysis of whether or not he poses a risk  
17 of danger to the community, essentially through the risk of  
18 recidivism.

19 THE COURT: And that he does continue to pose such a  
20 risk.

21 MR. LOCKARD: I think you have to say -- well, since I  
22 can't say no, he poses no risk, then I have to say yes, he  
23 poses some degree of risk. That risk is difficult to quantify.  
24 But I think it certainly is -- his past gives a reason to  
25 believe that there's a risk, the incident involving Mr. Islam,

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1 we think reasonably there is a risk. And, you know, frankly,  
2 the letter that was filed yesterday outlining Mr. Leroux's  
3 intention to go into the bitcoin mining business points to the  
4 possibility of such a risk. And that is not to say that there  
5 is anything illegal about operating a bitcoin mining business.  
6 Those kinds of businesses can be operated in a perfectly legal  
7 manner. But it's also true that, you know, cryptocurrency is a  
8 hot topic among law enforcement in terms of things like money-  
9 laundering risks, sanctions evasion, and counter-  
10 terrorism-finance risk. And, you know, it is, I would say it's  
11 not a comfort to know that that's Mr. Leroux's plan.

12 THE COURT: You also noted in your latest letter that  
13 his sentencing advocacy to date reflects little if any remorse,  
14 rehabilitation, or acceptance of responsibility beyond that  
15 required by guideline provision 3E1.1.

16 MR. LOCKARD: Yes, your Honor.

17 THE COURT: All right.

18 Mr. Leroux, would you like to be heard at all? I read  
19 your letter, but I'm happy to hear anything you'd like to say  
20 today.

21 THE DEFENDANT: I would, your Honor. I would.

22 I would just like to thank the Court for offering me  
23 the opportunity to speak, your Honor. And also I'd like to  
24 apologize to the Court for my acts and conduct in this case. I  
25 really have no words to describe my conduct. I'd like to

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1 apologize to the victims' families. All I can say, your Honor,  
2 is, I have no excuses. I have been diagnosed with mental  
3 health issues. I've been diagnosed at GEO. I saw the  
4 psychologist in 2013. I started mental health treatment. I  
5 was diagnosed with anxiety, depression, post-traumatic stress  
6 disorder, and a personality disorder. And I saw the  
7 psychologist and I tried to treat myself. The PSR says I  
8 didn't undertake any treatment. That is not true. I did  
9 counseling with the psychologist. I can't take medications  
10 because I have liver damage. But I did do counseling.

11 Also, your Honor, I'd like to say that it was the  
12 tremendous hyperbole of the media and the hyperboles that I  
13 have no feelings and I have no remorse. But that's not true,  
14 your Honor. I stay awake at night. I sleep one or two hours.  
15 And I told the prosecutor that during prep for the trial, when  
16 I testified in front of you. I sleep one, two hours. I think  
17 about my terrible crimes all the time. I just don't understand  
18 what happened.

19 I would like to tell you something about my family,  
20 too, your Honor. I spoke last week to my eight-year-old son.  
21 He told me, "Dad, I've never seen you in my whole life. When  
22 are you coming home?" And I understand, it broke my heart, I  
23 understand how the victims' families must feel. I can only  
24 apologize over and over again. So many of these people will  
25 not have any more chance to reunite with their family members.

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1           What I have done, your Honor, is, I've cooperated in  
2           the federal case. I submitted to your Honor, to the Court, the  
3           original arrest warrant for the weapons-trafficking conduct,  
4           and that includes relevant conduct, at least one of the murders  
5           that occurred in Philippines. That was dated in 2000 and  
6           actually predates the instant case. That was updated by the  
7           Filipino government in January of 2020. And the reason for  
8           that is, they have worked on and submitted an extradition, as I  
9           understand it, although presumably things have slowed down  
10          because of the COVID-19 pandemic that's no doubt slowed things  
11          down as well as it has slowed things down here in the United  
12          States.

13          So what I've been saying is, I haven't cooperated  
14          there. The USA will extradite me. There are outstanding  
15          arrest warrants in the Philippines. And I have agreed I will  
16          pay restitution, and that's the first thing I plan to do. For  
17          family members that I destroyed and for the families that have  
18          suffered I'll pay restitution immediately.

19          My own family, as it happens, relies on me on a daily  
20          basis for money. Nobody else has helped them in the  
21          Philippines. Most of them are in hiding and afraid for their  
22          lives. The leaks have been absolutely devastating, not in  
23          respect so much to myself but with respect to their safety.  
24          They said they effectively have death sentences on their heads,  
25          your Honor. The Philippines is a dangerous country. Criminal

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1 groups and the police are involved in kidnapping and murder in  
2 the Philippines on a wholesale basis. I can't say enough about  
3 the danger to my family, because I just can't put it into  
4 words.

5 I refer you to the first promotional portion of the  
6 campaign in the Philippines in 2013. And I refer you to the  
7 first home invasion in 2015. The dangers in the Philippines  
8 are immense. My co-defendant, Mr. Brian Hill, in his trial  
9 testimony he stated he was extorted by the police in prison and  
10 he still received a life sentence. Also there was the example  
11 mentioned earlier by Mr. Chabrowe, I believe, about a South  
12 Korean businessman arrested and killed by the police. He was  
13 arrested by the same arresting officer as arrested --  
14 (unintelligible).

15 In the government sentencing submission, that said  
16 that I met the government in February, on or about February  
17 2020, and I said that my family was OK. This is because I had  
18 nothing more to add, your Honor. I had already submitted a  
19 witness protection request for some of my family members, which  
20 was actually denied on that day. And the problem with my  
21 family is, your Honor, is, they're not even cooperating with  
22 me, never mind the government. They're not cooperating because  
23 they believe any information they will provide will be leaked  
24 immediately, rightly or wrongly. And that is the situation. I  
25 can't get documentation from them. They don't want to send

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1 anything to me for sentencing. I had to beg to get all the  
2 documents from them relating to the kidnapping incident,  
3 relating to the home invasions, and relating to the fact that  
4 they have been followed, extorted, arrests. There's been  
5 vandalisms of my, my properties.

6 I expect that I should suffer, your Honor. I should  
7 be punished. But my family have done nothing wrong. They have  
8 not done anything, not committed any crimes, and effectively  
9 all the leaks in this case have put a very big mark on the back  
10 of their, of their heads. It's just a miracle, your Honor,  
11 nobody has been killed yet in this case.

12 I hope and I pray that the Court will take into  
13 account the fact that I was arrested on a nonviolent drug  
14 offense. Apart from the example in the case in Count One, the  
15 drugs involved are all in -- (unintelligible). I would have, I  
16 would have to say, if I had just stayed quiet, it's likely that  
17 my plea would have been 25 to 30 years. It's up to the  
18 government and up to the Court what my eventual sentence would  
19 have been, but I understand that the government said that there  
20 wasn't enough information to charge me with any single act of  
21 violence. All the information, almost all the information in  
22 the PSR and almost all the information in the --  
23 (unintelligible) -- against me came from me. If I had just  
24 stayed quiet, I likely would have been sentenced like a  
25 one-time drug offender. And that is the wrong thing to do. In

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1 this situation, I need to bring closure. I don't want to run  
2 from the crimes that I've committed. I want to do my time in  
3 the U.S. Whatever your sentence is today, your Honor, I want  
4 to do that time and I want to do the time and should --  
5 (unintelligible) -- because I caused damage to victims' family  
6 and they deserve closure. The government has repeatedly said  
7 that the government wants justice for Catherine Lee. However,  
8 your Honor, it's not possible for Catherine Lee to have a full  
9 measure of justice here in the U.S. for the simple reason that  
10 most of the co-conspirators are in the Philippines and are not  
11 subject to U.S. jurisdiction in respect to them. So the only  
12 way for me to have a full measure of justice is for me to be  
13 returned to the Philippines for the arrest warrants that exist  
14 as well as the superseding indictment for multiple murders  
15 which occurred in the Philippines, and for me to cooperate and  
16 bring into the system all the co-conspirators in the  
17 Philippines that I conspired with in that time. I'm the most  
18 culpable person and I'm the person in the best position to  
19 bring those people in and make sure they face justice. And I  
20 would have no objection to the government removing me to the  
21 Philippines, because none of them can very easily verify that  
22 the charges in the Philippines exist and are valid.

23 Now, in respect to the bitcoin mining, bitcoin mining  
24 relates to the fact, your Honor, that I have an electronics  
25 background. I need to follow the line of work that aligns with



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1 my skill set. I have a programming background. I have an  
2 electronics background. I can't sit here and tell the Court  
3 that I'm going to do something which does not align with my  
4 background. So the bitcoin mining, yes, if I understand, there  
5 are criminals involved in that business, as there are criminals  
6 involved in everything. But I intend to follow the laws. I  
7 intend to follow the regulations. I intend to approach that  
8 business correctly.

9 And I really have no explanation what happened to this  
10 case, no excuse for my actions. And my actions are  
11 unforgivable. And, again, I would like to apologize to the  
12 Court, to the victims' families.

13 And that's all I have to say, your Honor. Thank you  
14 for your time.

15 THE COURT: Thank you, Mr. Leroux.

16 Mr. Lockard, is there anything you want to say with  
17 respect to what information you had about these acts of  
18 violence before Mr. Leroux began to assist the government?

19 MR. LOCKARD: Sure, your Honor. And I think this will  
20 also address in part some of the arguments that Mr. Chabrowe  
21 made. One of the important pieces of information about  
22 Mr. Leroux that was already publicly available prior to his  
23 arrest is the fact that he was discussed in a U.N. report about  
24 instability and drug trafficking in Somalia, as a result of his  
25 attempts to establish, you know, essentially a paramilitary

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1 base in that country for weapons and drug trafficking. And  
2 that is a publicly available document that the U.N. published  
3 in 2011.

4 So I don't think that Mr. Leroux would have been  
5 treated as a run-of-the-mill narcotics defendant had the case  
6 been resolved solely on the basis of the initial indictment.  
7 The murders of several of the individuals in the Philippines  
8 was the subject of public reporting. And U.S. law enforcement  
9 certainly was aware of indications that Mr. Leroux was involved  
10 in or had directed some of those murders. The information  
11 wasn't sufficient to charge. And, you know, there is not --  
12 there was not an apparent U.S. jurisdictional basis to those  
13 murders at the time. But I think it's a bit of a stretch to  
14 say that that information could not have been developed for  
15 sentencing purposes.

16 So I think Mr. Leroux faced serious charges. I think  
17 that that is, you know, why he made the decision to cooperate,  
18 because he knew about the seriousness of the charges that he  
19 faced. And he did cooperate. And he lived up to his  
20 cooperation obligations.

21 But to directly answer the Court's question, no,  
22 Mr. Leroux would not have been treated as an ordinary drug  
23 defendant.

24 THE COURT: Is there any reason that sentence cannot  
25 be imposed at this time? Does anyone else want to be heard

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1 further?

2 MR. CHABROWE: Jeff Chabrowe for Mr. Leroux. No  
3 reason, no, your Honor, no.

4 MR. BRANDEN: Jim Branden. No reason, your Honor.

5 THE COURT: Thank you.

6 I am required to consider the advisory guidelines  
7 range of life in prison as well as various other factors that  
8 are set forth in a provision of the federal law. It's 18  
9 United States Code § 3553(a). And I have done so. Those  
10 factors include but are not limited to the nature and  
11 circumstances of the offense and the personal history and  
12 characteristics of the defendant, because every defendant must  
13 be considered individually as a person. Judges are also  
14 required to consider the need for the sentence imposed to  
15 reflect the seriousness of the offense, promote respect for the  
16 law, provide just punishment for the offense, afford adequate  
17 deterrence to criminal conduct, protect the public from future  
18 crimes of the defendant, and avoid unwarranted sentencing  
19 disparities, among other things.

20 Let me put that -- and, Mr. Lockard, if you can turn  
21 your computer on mute, please. I think there's a little  
22 feedback.

23 MR. LOCKARD: I apologize, your Honor.

24 THE COURT: Let me put that in nonlegal terms. Most  
25 judges agree that the hardest thing we do in our jobs is to

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1 sentence people. It is indescribably difficult for a human  
2 being to judge another human being, decide if they should be  
3 deprived of their freedom, and if so for how long. Each  
4 sentence is difficult -- although, in all candor, some  
5 sentences are more difficult than others. This sentencing is  
6 especially difficult for an unusual reason. And that is  
7 because there is no question in my mind that Paul Calder Leroux  
8 deserves to spend the rest of his life in prison. And I don't  
9 say that lightly. Indeed, the only people I have sentenced to  
10 prison for life in my time on the bench are three members of  
11 Mr. Leroux's own mercenary crew: Joseph Hunter, Adam Samia, and  
12 Carl David Stillwell, all of whom faced mandatory life  
13 sentences after being convicted of the murder for hire at  
14 trial, the murder of Catherine Lee, a murder ordered by  
15 Mr. Leroux.

16 Most criminal defendants have prior kindnesses or  
17 charitable deeds that they highlight to the Court. They show  
18 genuine remorse, efforts at rehabilitation, or they at least  
19 try and persuade me that they are no longer a danger to  
20 society. Not so here, not really. I mean, today was the first  
21 day I have heard Mr. Leroux express any remorse.

22 While Mr. Leroux has only been charged and pled guilty  
23 to nonviolent crimes, those crimes alone provide for a  
24 guidelines sentence of life in prison. But they don't tell  
25 half the story, as jurisdiction was lacking, and evidence in

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1 some respects, with respect to much of what he has done in his  
2 life. Indeed, the scope and severity of Mr. Leroux's criminal  
3 conduct is nothing short of breathtaking. He agreed in his  
4 plea agreement that all of it can be considered relevant  
5 conduct at sentencing.

6 I have before me a man who has engaged in conduct in  
7 keeping with the villain in a James Bond movie. He operated a  
8 mercenary team that committed beatings, shootings, and  
9 firebombs. He participated in the murder for hire of at least  
10 seven people.

11 And let's just pause there for a minute. There are  
12 seven people -- Herbert Chu, David Smith, Chito, Naomi Edillor,  
13 Catherine Lee, Joe Frank Zuñiga, and Bruce Jones -- whose loved  
14 ones will never see them, hold them, or speak to them again.  
15 In the case of Catherine Lee, she was shot in the face and her  
16 lifeless body was left on a pile of garbage. Others were shot  
17 and their bodies anchored to boats and sunk in the water. The  
18 bodies of others still have not yet been found.

19 Mr. Leroux trafficked in illegal pharmaceuticals:  
20 methamphetamine and cocaine. He smuggled gold, chemicals, and  
21 weapons on several continents. He ran a weapons research and  
22 development program for the Iranian government. He attempted  
23 to acquire surface-to-air missiles. He laundered funds from a  
24 pharmaceutical company. He planned a coup in the Seychelles.  
25 And he bribed government officials in the Philippines, China,

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1 Laos, Africa, and Brazil. If Paul Calder Leroux had a  
2 situation that he could bribe or kill his way out of, he did  
3 so.

4 So why is this sentencing difficult? Why shouldn't he  
5 just get a life sentence like Hunter, Samia, and Stillwell did?  
6 Because Mr. Leroux also cooperated with the government. He did  
7 so for years. And he put himself and his family at serious  
8 risk of harm. Although he initially attempted to bribe  
9 Liberian law enforcement in order to escape apprehension, once  
10 that effort proved unsuccessful and he was placed on an  
11 airplane to this district, he began the process of cooperating  
12 with the government. And while he failed to mention his  
13 involvement in murders and violence at first, he ultimately did  
14 and provided voluminous, detailed, and heavily corroborated  
15 information. He actively engaged in communications with  
16 various associates in furtherance of ongoing investigations,  
17 and introduced them to DEA confidential informants. He  
18 testified in a hearing in Minnesota and before me at the trial  
19 of Hunter, Samia, and Stillwell.

20 Mr. Leroux's cooperation led to the dismantling of his  
21 mercenary organization, the arrests and prosecution of over a  
22 dozen of his criminal associates, the seizure of kilograms of  
23 methamphetamine in the Philippines, and the use of critical  
24 physical evidence, including the van used during Catherine  
25 Lee's murder.

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1           If judges don't give cooperating witnesses a  
2       significant benefit at sentencing, the criminal justice system  
3       will suffer, fewer people will cooperate, and the government  
4       will be unable to make important cases like those involving the  
5       murder of Catherine Lee. Cooperation is integral to the  
6       system.

7           The question then becomes, how much of a benefit  
8       should Mr. Leroux get for his cooperation? How do I balance  
9       that interest with the other interests I mentioned earlier,  
10      including public safety, deterrence, just punishment, and the  
11      need to avoid unwarranted sentencing disparities? To help  
12      answer that question, I asked the parties to suggest cases they  
13      believed were analogous. The government was unable to provide  
14      a readily comparable case due to the sheer scope of  
15      Mr. Leroux's criminal conduct. Mr. Leroux urged me to consider  
16      the sentencing of Yi Tiong Tan Lim, who was a criminal kingpin  
17      in the Hong Kong Triad organization. He received a sentence of  
18      138 months after he attempted to cooperate, but he was never  
19      signed up as a cooperating witness. But Lim does not appear to  
20      have engaged in any acts of violence. So that example is  
21      inapposite.

22           Just yesterday, his counsel also cited to two other  
23      cases purportedly involving heinous acts of violence. But  
24      since those materials were under seal, none of us were able to  
25      review them.

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1           In any event, every sentencing is different. Every  
2 defendant is unique. This sentencing is especially so. This  
3 defendant testified before me about how he used 200 armed men  
4 in the hopes of becoming a warlord in Somalia, using, quote,  
5 whatever violence was necessary. That says a lot about who he  
6 is as a person. He wasn't just a mercenary. But he had his  
7 own mercenary team, shooting some people, including a former  
8 associate, himself, and ordering the murder of numerous others.  
9 Some murders were ordered simply out of paranoia. Not only did  
10 he smuggle gold and bribe countless foreign officials, but he  
11 sought to purchase not only a submarine but missile technology  
12 from North Korea so as to reverse-engineer it and sell it to  
13 Iran.

14           This is no ordinary defendant and no ordinary  
15 cooperating witness, particularly given the lack of genuine  
16 remorse, again, that I have felt up to this point in time. I  
17 heard remorse expressed today for the first time. Or efforts  
18 at rehabilitation other than his cooperation. In my view and  
19 in the view of the Probation Department, and in the view of the  
20 government, he still presents a danger to society. Indeed, I  
21 believe he continues to present a grave danger to society.

22           Finally, I've considered all the other arguments  
23 Mr. Leroux has made in addition to his assistance with the  
24 government, including but not limited to the difficult aspects  
25 of his childhood in war-torn Zimbabwe and other war-related



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1 traumas. I've considered his health issues. I've considered  
2 the case in the Philippines and the fact that he may face  
3 additional time there. I've considered the harm he and his  
4 family have faced as a result of the alleged improper leaks to  
5 the press, as well as his cooperation more generally.

6 So ultimately I have to balance all the information I  
7 have before me, the breadth of Mr. Leroux's conduct, what that  
8 conduct says about him as a person, which I think is a strong  
9 indicator of what someone is likely to do in the future, the  
10 grievous harm he caused, the extent of his cooperation, and  
11 everything else in the record, and I have to come up with a  
12 sentence that is sufficient but no greater than necessary.

13 In the Court's view, he must get a real, significant  
14 benefit, less than the life sentence recommended by the  
15 guidelines. But the sentence must also be sufficiently serious  
16 so as to deter him from returning to a life of senseless crime  
17 and to protect the public. I am ready to do so.

18 Mr. Leroux, it is the judgment of this Court that you  
19 be committed to the custody of the Bureau of Prisons for a term  
20 of 25 years. I'm going to read the breakdown of that sentence.  
21 You are to receive a sentence of 300 months on Count One of  
22 indictment 12 Crim. 489, 240 months on each of Count Two of 12  
23 Crim. 489 and Counts Two and Three of 14 Crim. 75, 180 months  
24 on Count Four of 12 Crim. 489, and 60 months on each of Count  
25 Three of 12 Crim. 489 and Counts Two and Three of 14 Crim. 75,

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1 all to run concurrently. So it's a total of 300 months'  
2 imprisonment on all counts.

3 With respect to supervised release, you'll receive a  
4 term of supervised release of life on Count One of 12 Crim.  
5 489, three years on each of Counts Two through Four of 12 Crim.  
6 489 and Counts One through Three of 14 Crim. 75, to run  
7 concurrently, for a total of a life term of supervised release.

8 I recognize of course that you will be expect to be  
9 deported prior to that.

10 I also note for the record that Mr. Leroux has already  
11 served 92 months of that sentence.

12 I will also note that this is by far the longest  
13 sentence that I have imposed on a cooperating witness, but for  
14 the reasons I stated above, I firmly believe it to be necessary  
15 for this very unique case.

16 With respect to supervised release, all the standard  
17 conditions of supervised release shall apply. Counsel, would  
18 you like me to read those conditions out loud, or is that not  
19 necessary?

20 MR. CHABROWE: That's not. Jeff Chabrowe for  
21 Mr. Leroux. I don't believe that that's necessary, your Honor.

22 THE COURT: I am going to read the mandatory terms of  
23 supervised release:

24 You may not commit another federal, state, or local  
25 crime. You must not unlawfully possess a controlled substance.

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1 You must refrain from any unlawful use of a controlled  
2 substance. You must submit to one drug test within 15 days of  
3 release from imprisonment and at least two periodic drug tests  
4 thereafter as determined by the Court.

5 I'm actually going to, at the recommendation of the  
6 Probation Department, I'm going to suspend the drug testing  
7 condition.

8 You must cooperate in the collection of DNA. And you  
9 must comply with the standard conditions that have been  
10 imposed.

11 I'm also going to impose the recommended special  
12 conditions that were recommended by the Probation Department.  
13 You must obey the immigration law and comply with the  
14 directives of immigration authority. You must participate in  
15 an outpatient mental health treatment program approved by the  
16 Probation Office. Must continue to take any prescribed  
17 medications unless otherwise instructed by the healthcare  
18 provider. You must contribute to the cost of services rendered  
19 based on your ability to pay and the availability of third-  
20 party payments.

21 The Court authorizes the release of available  
22 psychological and psychiatric evaluations and reports,  
23 including the presentence investigation report, to the  
24 healthcare provider.

25 You shall submit your person and any property,

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1 residence, vehicle, papers, computer, and other electronic  
2 communication, data storage devices, cloud storage, or media  
3 and effects to a search by the United States Probation Office  
4 and, if needed, with the assistance of any law enforcement.  
5 The search is to be conducted at a reasonable time and in a  
6 reasonable manner, when there is reasonable suspicion  
7 concerning violation of a condition of your supervision or  
8 unlawful conduct by the person being supervised. Failure to  
9 submit to a search may be grounds for revocation of release.  
10 You shall warn any occupants at the premises that they also may  
11 be subject to searches pursuant to this condition. Any search  
12 shall be conducted at a reasonable time and in a reasonable  
13 manner.

14 You must provide the probation officer with any  
15 requested financial information. And you must not incur new  
16 credit card charges or open lines of credit unless you're in  
17 compliance with the payment schedule.

18 With respect to a fine, what's the government's  
19 position?

20 MR. LOCKARD: Your Honor, I'll address the fine in  
21 just a moment. We had also requested in our sentencing letter  
22 that the Court issue an oral order for the forfeiture pursuant  
23 to Title 18, Sections 981 and 982, and Title 21, Section 853,  
24 of the forfeiture of the proceeds of Mr. Leroux's offenses, as  
25 well as the instrumentalities of the money laundering and

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1 narcotics offenses, with credit for assets that have been  
2 confiscated by foreign governments or that the defendant  
3 expended in furtherance of law enforcement operations. And we  
4 would propose to submit a written order to the Court following  
5 the sentencing.

6 THE COURT: Yes. I intended to do that, in an order  
7 to that effect. I will order forfeiture to that effect.

8 With respect to restitution, are you intending to  
9 submit a restitution order?

10 MR. LOCKARD: We will also submit a restitution order  
11 under Section 3663(a) of Title 18.

12 THE COURT: So, again, forfeiture will be ordered as  
13 requested by the government. A restitution order will be  
14 submitted within 90 days.

15 I am required to impose the mandatory special  
16 assessment of \$700, which is a hundred dollars per count, which  
17 will be paid immediately.

18 And are you requesting a fine or are you not doing  
19 that in light of the forfeiture and restitution orders?

20 MR. LOCKARD: I think with respect to a fine, we would  
21 agree with probation's recommendation.

22 THE COURT: All right. So no fine will be imposed.

23 Does either counsel know of any legal reason why this  
24 sentence cannot be imposed?

25 MR. BRANDEN: Jim Branden. No, Judge.

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1 THE COURT: Mr. Leroux, that is the sentence of this  
2 Court. You have a right to appeal your conviction and sentence  
3 except to whatever extent you may have validly waived that  
4 right as part of your plea agreement. If you do choose to  
5 appeal, the notice of appeal must be filed within 14 days of  
6 the judgment of conviction. If you're not able to pay for the  
7 cost of an appeal, you may apply for leave to appeal in forma  
8 pauperis, which simply means the court costs and filing fees  
9 will be waived. If you request, the Clerk of Court will  
10 prepare and file a notice of appeal on your behalf.

11 Are there any open counts or underlying indictments  
12 that need to be dismissed against Mr. Leroux?

13 MR. LOCKARD: There are, your Honor. At this time the  
14 government moves to dismiss all open counts.

15 THE COURT: All right. They will be dismissed.

16 Are there any other applications at this time?

17 MR. CHABROWE: No, your Honor.

18 THE COURT: All right. Thank you. We're adjourned.

19 MR. CHABROWE: Thank you.

20 (Adjourned)  
21  
22  
23  
24  
25